

### REMARKS

This is in response to the Office Action dated January 15, 2010. Applicant respectfully requests reconsideration and allowance in view of the above-amendments and the following remarks.

#### I. CONSIDERATION OF INFORMATION DISCLOSURES STATEMENTS

Applicant respectfully requests consideration of the information disclosure statements (IDSs) filed December 7, 2009 and April 14, 2010.

The Office Action mailed January 15, 2010, did not include a copy of the December 7, 2009 IDS initiated by the Examiner to indicate consideration of the references submitted with the RCE. The IDS filed April 14, 2010 was filed at about the same date the Office Action was mailed, so the Examiner would not have had a chance to receive it before mailing the Office Action.

Applicant respectfully requests a copy of each IDS indicating consideration by the Examiner.

#### II. TELEPHONE INTERVIEW

Applicant's attorney would like to thank the Examiner for the courtesies extended during a telephone interview held on April 21, 2010. During the interview, Applicant's attorney discussed the subject matter of claim 1 in view of the Schein reference, U.S. Patent No. 6,412,110. In particular, the discussion focused on the differences in movement and action between the claimed visual indicator and Schein's pointer 110, shown in FIGS. 1 and 7, for example. A distinction was also made with respect to Schein's immovable line 199. Applicant's attorney proposed amendments to claim 1 similar to those applied above. Although no specific agreements were made, the Examiner believed the amended claim 1 may overcome the present rejections but that a further search would need to be performed.

With respect to independent claims 65 and 97 and dependent claims 1616 and 162, Applicant's attorney discussed the limitations in these claims that the visual indicator is

displayed on all cells of the active point in time disposed within the program grid. Accordingly, the rejections of these claims based on Schein's pointer 110 are believed to be overcome by the existing language of the claims. Minor amendments have been made to use more consistent terms in the claims for better antecedent basis.

Applicant's attorney also requested consideration of the references cited in the previous two IDSs, one of which was filed at about the time the office action was mailed.

### III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 24-46, 56-78, 88-110, 120-128, 161, and 162 were rejected under 35 U.S.C. 102(a) as being anticipated by Schein U.S. Patent No. 6,412,110.

Claims 1, 33, 65 and 97 are independent claims.

#### A. **Independent Claims 1 and 33**

Claims 1 and 33 are amended to clarify movement of the visual indicator.

In Schein, the user must move the pointer 110 over to a special scroll zone. Schein describes,

Referring to FIG. 7, when the user moves the pointer over the scroll right zone 230 the zone highlights in bright green with arrows indicating the scrolling direction. The text displayed in the contextual help window 218 informs the user that clicking will scroll the display to the right to display later programs. Each click scrolls the display one half-hour. A click-and-hold scrolls a half-hour every half-second, accelerating over time as the user continues to hold, coming to a stop upon letting up.

Schein does not disclose a visual indicator that is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and in particular wherein, in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

Thus, claims 1 and 33 and their respective dependent claims are not anticipated by Schein.

**B. Independent Claims 65 and 97 (Similarly Dependent Claims 161 and 162)**

Independent claims 65 and 97 include the limitation that the visual indicator is displayed on all cells of said active point in time disposed with said program grid.

Looking at the Examiner's comments regarding claims 161 and 162, it appears the Examiner continued to use the reference to Schein's immovable line 199 (relative to the time axis) as in the previous Office Action, whereas the rejection of claim 1 was modified to refer to Schein's pointer 110. Thus, it appears that the rejection of these claims based on Schein's line 199 should be withdrawn.

**VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 15-23, 47-55, 79-87, 111-119 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Broadus (U.S. 2002/0144264).

Broadus discloses in FIG. 5 a visual indication of a completion status 514. Broadus states, "a separate visual indication 514 of the completion status of the media program may be displayed, either on the element 506, itself, or at another suitable location within the EPG 408. The visual indication 514 may be embodied in various forms, such as a ratio bar graph (as shown in FIG. 5), a pie chart, or other similar indicator." [0070]

Broadus also explain that, "The elapsed and remaining portions 507, 509 may be distinguished by color, pattern, or another suitable visual distinction. For example, in one embodiment, the elapsed portion 507 may be indicated by the color red, which is commonly associated with completion, termination, or the like. Thus, if the user perceives the visual indication 514 to be almost entirely red, he or she will know that the program is almost completed." [0077] Further, Broadus' completion line 508 does not appear to meet the elements of Applicant's claims.

For example, Broadus does not disclose alone or in combination with Schein, said visual indicator including a position corresponding to a single point in time of an active cell within said

grid, wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, in the context of the other elements of claims 1 and 33, for example. Broadus also does not disclose or suggest such movement of the visual indicator, wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible in the context of the other elements of Applicant's independent claims 1 and 33, for example.

Broadus also does not disclose alone or in combination with Schein the elements of independent claims 65 and 97.

## V. CONCLUSION

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which Applicants' attorney chooses to mention at this time. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinction between Applicants' invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

Finally, any statements/disclaimers that may have occurred previously during the

prosecution of the afore-mentioned application is hereby expressly rescinded. Without limitation, this rescission includes any disclaimers made to avoid any prior art, and accordingly, such prior art may need to be revisited. For example, any statements made regarding elements that are no longer present in a particular claim are rescinded, and the scope of these claims may need further review in view of the prior art.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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